THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26808 OF 2005

DATED:15.12.2005

Between:

L. Venkata Rao

…Petitioner

And

The District Collector, Visakhapatnam District

At Visakhapatnam and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26808 OF 2005

ORDER:

The petitioner is an Ex-serviceman. He was assigned agricultural land admeasuring Acs.5.00 in S.No.296/7 (old S.No.296/5) of Madhurawada Village, Visakhapatnam. Having come to know that the assignment was cancelled by the Tahsildar on 23.2.1990, the petitioner approached the second respondent by way of appeal. While the matter was pending, no order of stay was passed by the Revenue Divisional Officer. Therefore, petitioner filed a writ petition being W.P.No.24889 of 2005 seeking a declaration that the respondents have no authority to dispossess the petitioner from the land, and for a further direction not to dispossess him. By order dt.22.11.2005 this Court while directing the Revenue Divisional Officer to dispose of the appeal itself within a period of four weeks, orders status quo as to possession. It

appears, the Revenue Divisional Officer had already passed orders on 20.11.2005 recording that the assignment was cancelled and that petitioner was not in possession of the property. It also transpires that the revenue officials demolished the shed constructed by the petitioner and uprooted the trees. Aggrieved by the same, petitioner filed a contempt case before this Court which is pending. It appears, the petitioner also preferred a revision petition before the Commissioner of Appeals, Government of Andhra Pradesh, Hyderabad. In the mean while, having come to know that the first respondent is likely to handover the property to Visakhapatnam Urban Development Authority, who are going to create third party rights, petitioner filed the present Writ Petition seeking a direction to the respondents not to create any third party rights.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment).

It is well settled that ordinarily for an aggrieved person who availed remedy available under a Statute, Writ Petition would not lie. In this case, the petitioner has already approached the revisional authority, namely, Commissioner of Appeals, and nothing prevents the petitioner to obtain appropriate orders from the said revisional authority. So as to enable the petitioner to obtain interim orders, there shall be a direction to the respondents not to create any third party rights for a period of one week. The petitioner is given liberty to approach the Commissioner of Appeals immediately and obtain appropriate orders. The Commissioner may pass appropriate orders within a period of one week from the date of receipt of a copy of this order.

The Writ Petition with the above observations and directions is accordingly disposed of.

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(V.V.S.RAO, J)

15.12.2005

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Note:

1. Dispatch copy today.

2. Operative portion of the

order may be communicated

by wire at party's cost.

(B.O)

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